

MINUTES OF THE BOARD OF SELECTMEN'S MEETING

NOVEMBER 10, 2010

The regular meeting of the Board of Selectmen was called to order at 7:03 pm in the Community Room of the North Haven Memorial Library, 17 Elm Street, North Haven, CT.

Members Present

First Selectman, Michael J. Freda
Second Selectman, Timothy M. Doheny
Third Selectman, Stephen A. Fontana

Mr. Freda introduced himself and Selectmen Doheny and Fontana, and welcomed everyone to the meeting and thanked them for attending.

Public Comments Relative to the Agenda – Mr. Amato asked if the issue regarding the Building Department and pensions would be discussed since it was not on the agenda. Mr. Freda advised it would be discussed in the Selectman's Overview.

Mr. Doheny motioned to approve the minutes of the Regular Board of Selectmen's Meeting of October 7, 2010.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Mr. Doheny motioned to approve the minutes of the Special Board of Selectmen's Meeting of October 20, 2010.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Selectman's Overview -

OPERATIONAL

Building Department - Time Line of Events:

- 7/28/09 – Letter to previous administration
- 8/19/09 – Another letter to previous administration (never divulged to the public or the Public Works Dept.)
- Week of 11/15/09 – Transition meeting between me and previous First Selectman
- Week of 12/1/09 – Anonymous calls
- Week of 12/7/09 – Contacted State Attorney's Office
- 12/09-5/10 – worked closely with State Attorney's Office
- 1/10-5/10 – Communicated with State Building Official
- 6/10-10/10 – Forensic Audit Process

We are reviewing all systems in our Building Department to include:

- All building permits be pre-numbered and the sequence be accounted for on a period basis. The accountability should include the status of the permit (open, closed, sent to assessor, etc)
- All building permits be monitored with respect to the date issued and the date expired to ensure that expired permits are renewed in accordance with the Town's building permit regulations.
- The Town's construction value and permit fee schedule to be updated to clearly identify the fees due for hot tubs and the rate for square footage that is "storage space" vs. living space.
- The Town to develop and implement a standard, electronic based form (Excel) to calculate

the building permit fee due. Certain fields may be locked to ensure only current approved rates are used.

- Form to include a place to document the preparer, review and approval and recalculation of permit fee by someone other than the person who prepared it.
- Revision of building permit application to require the applicant to expressly confirm whether there are porches or decks as part of the structure.
- The Town will develop and implement written procedures for the procession of all building permits.
 - The written procedure may address such items as:
 - A check list for required components of the file
 - A standard filing location
 - Policy for retention of building plans
 - Building permit refund policy
 - Standard Forms
- Requirements for approvals
- Building Official responsibility and use of judgment/discretion
- Fee to be paid when work was done without permit
- Release of bonds and requirement to submit as built plans
- Relationship with Planning and Zoning regarding what is approved and subsequently built
- Consider that before inspections are performed that the inspector be required to have a copy of the building permits and a copy of the building plans filed with the application
- Inspection form to have an area where the inspector confirms they reviewed the permit, plans and that there was no deviation noted or what the deviation was

We are also doing the following:

- Stepped up our level of customer service
- Better educating the public about what permits are needed before work starts
- Spending more time with the public in our office to eliminate misinterpretations

The Results So Far:

- From August through October of 2009, we collected \$89,830 in permits and inspections
- From August through October of 2010, we have collected \$120,330 in permits and inspections

Health Insurance Update:

- Claims history is declining
 - Last 5 months of 2009 our average monthly claims were \$822,000
 - For the first 9 months of 2010, our monthly average has been \$544,000
 - We have shown a decrease in claims of \$278,000 per month
- There are 3 reasons for this:
 - The number of major claims are subsiding
 - We are more diligent internally in creating a greater health awareness program
 - Anthem has inherent discounts with hospitals and providers that are being reflected in our claims
 - This includes doctors and pharmacies as well

Grant Update:

- Grant application for Town Hall
 - Looking to make building ADA compliant
 - Installation of elevators
 - Installation of handicap accessible bathroom

Tire Pond Update:

- Hired consultant to analyze soil, work in progress. There is about 375,000 cubic yards of material.

CMB – Indian Ridge Update:

- Met with Werner Theisen today, working collaboratively with Toll Bros. Attorneys working

on draft settlement. 145 units versus 396.

Fall Leaf Collection Program:

- Commenced November 1st

ECONOMIC DEVELOPMENT

- Hollywood Video location –
 - Ballou's Wine Bar
- 297 State Street
 - New development
 - 4 tenants
 - Over 240 new jobs to North Haven next year
- Yale New Haven Hospital
 - We have mapped out various locations as options
 - The plan includes:
 - A full service emergency room facility
 - A radiology center
 - A pediatric facility
 - A geriatric facility
 - 120,000 square foot facility on Devine Street
 - 200 jobs to North Haven when facility is up and running
- Show and Sell
 - 90+ Businesses and Community Groups
 - Looking to improve next year

Correspondence – none

Resignations/Appointments –

- Appointment of Sandra Stetson (R), 542 Middletown Avenue, North Haven, CT 06473 to the Conservation Commission term to expire November 10, 2014.

Mr. Fontana explained that he and Tim consulted on the two applicants for the appointment of the Conservation Commission. Mr. Fontana explained that after review they chose Sandra Stetson based on her experience on environmental issues.

Mr. Doheny mentioned that Hugh Davis, Chairman, also sent along a letter of recommendation. He then motioned to accept the appointment.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Bond Releases / Reductions –

- 40 Half Mile Road, North Haven, CT 06473, release of the entire bond balance in the amount of \$5,000.00 with the recommendation of the Planning & Zoning Commission.

Mr. Doheny motioned to approve the bond release.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Property Tax Refunds –

Mr. Doheny motioned to approve the property tax refunds as presented below.

Voted: Freda – yes, Doheny – yes, Fontana – yes

- Anderson, James, 364 Kings Highway, North Haven, CT 06473, in the amount of \$186.22, and in the amount of \$143.12, and in the amount of \$121.63, and in the amount of \$146.61.
- Bader Bruce or Bader Polly, 78 Sentinel Hill Road, North Haven, CT 06473, in the amount of \$53.41.

- Cab East LLC, Box 105704, Atlanta, GA 30348, in the amount of \$107.92
- Daimler Trust, Box 685, Roanoke, TX 76262, in the amount of \$48.77.
- DCFS Trust, Box 765, Roanoke, TX 76262, in the amount of \$69.24, and in the amount of \$27.73
- Debattista, Barbara, 1811 Ridge Road, North Haven, CT 06473, in the amount of \$58.75.
- Deneen, John E, 34 Lincoln Street, North Haven, CT 06473, in the amount of \$216.96.
- Dickinson, Michael J., 34 Tennyson Avenue, North Haven, CT 06473, in the amount of \$184.55.
- Fifth Third Auto Lease Trust, 5001 Kinglsey Drive, Cincinnati, OH 45236, in the amount of \$279.06.
- GMAC, 500 Enterprise Drive, Rocky Hill, CT 06067, in the amount of \$276.10.
- Honda Lease Trust, 600 Kelly Way, Holyoke, MA 01040-9681, in the amount of \$269.83 and in the amount of \$126.32.
- MacDonald, Scott J, 2028 Hartford Tpke, North Haven, CT 06473, in the amount of \$235.00, and in the amount of \$234.80.
- Nissan Infiniti LT, Box 650214, Dallas, TX 75265, in the amount of \$39.99, and in the amount of \$227.24.
- Toyota Motor Credit Corp, Box 105386, Atlanta, GA 30348, in the amount of \$97.66.
- VW Credit Leasing Ltd., 1401 Franklin Blvd, Libertyville, IL 60048, in the amount of \$438.83.
- Wheels LT, 666 Garland Place, Des Plaines, IL 60016, in the amount of \$210.69, and in the amount of \$125.77, and in the amount of \$17.23
- Winsco, Evelyn (Estate of) c/o Albert J Palatiello, Jr., 106 Fernwood Road, Trumbull, CT 06611, in the amount of \$70.50 and in the amount of \$86.29.

Mr. Freda stated that the next meeting of the Board of Selectmen will be – Thursday, December 2, 2010 at 7:00 p.m. in the Library Community Room.

Public Comment –

Mr. Gary Amato, Pool Road, protested, again, using the PowerPoint presentation to disseminate information and feels that the building department issue was not put on the agenda purposely. He proceeded to discuss the issue with Mr. Freda. Mr. Amato also inquired if the matter of Mr. Sorkin had been resolved. Mr. Freda stated it had, and Mr. Sorkin was provided one month's severance pay.

Mr. Vallombroso, stated that the Building Department investigation started prior to Mr. Freda taking office, and he alerted him of same. He then proceeded to discuss the inspection of decks. He also noted that Mr. Maiden retaliated against him and his sister. He also stated he was aware of many infractions by Mr. Maiden. He continued to discuss the issue. Mr. Freda stated that all of what Mr. Vallombroso was discussing had been brought to the inspector, and were unfounded. He thanked Mr. Vallombroso for his assistance. Mr. Vallombroso advised that he was pursuing the issue with Lisa Humble next week. He also stated that he tried for 8 months to have Ms. McCarty address the issue with no acknowledgement of his communication until the day before she left office. The discussion continued.

Mr. Amato asked if there were two lawsuits pending with both individuals. Mr. Freda responded in the Burns case yes, Maiden, not at present but anticipated, as well as a letter

from Mr. Burns that if the case was not settled there would be additional suits against the Town as well as Ms. McCarty personally of which the Town would have to defend. Mr. Ryan, Mr. Freda and Mr. Amato continued to discuss the issue.

Mr. Jim Leahy, Regency Drive, supported Mr. Freda's decision regarding Mr. Maiden and Mr. Burns and commended him. He then brought up the suggestion he made previously regarding the website and department head emails being hyperlinked. Mr. Freda stated that he felt it was done, if not it should be because it had been agreed to. Mr. Leahy also asked about the health insurance claims and what is the difference between the claim and the actual cost. Mr. Freda stated it is a good question and he has a meeting next week to try to get the answers to that question. They will be setting up a committee to review the health insurance. Mr. Freda and Mr. Leahy continued to discuss the insurance issue. Mr. Leahy also asked to have the budget year to date figures put online.

Mr. Gerry Feinberg, Brockett Farm Road, brought up the annual special audit that would be conducted randomly on various departments. He stated one audit was done, and there was none last year, would there be one the current fiscal year. Mr. Freda stated we have the money, but would have to defer to Mr. Swinkoski with regard to when and which department. Mr. Feinberg talked about the spike in the health care costs last December, which is not unusual. He also noted that the previous administration was criticized for not going out to bid. Since we are in November, perhaps we are reliving history. Mr. Freda stated that Anthem may come in with a quote and even if the history goes up, they will hold to the quote. The trend has been going down and Anthem has negotiated with their providers, and we are benefiting. Their discussion continued. Mr. Feinberg had some additional comments and questions regarding settlements with Town employees as discussed by himself, Mr. Freda, Mr. Doheny and Attorney Ryan.

Mr. Amato had some questions regarding the calculations used with regard to the pensions. Ann DeMatteo, of the New Haven Register, also inquired as to what formula was used to devise the two pensions. A discussion continued. Mr. Freda stated that anyone who wanted the specifics could request the information, that they did not have the details of the calculations at the meeting. It was arrived at by the plan actuaries. Mr. Amato had several questions regarding the Kostin Ruffkess report. He also wanted to know why the auditors were given specific cases and not full access to all of the files. Mr. Freda explained that the audit did include specific cases, but the auditors were given complete access to all the records in Town Hall. Ms. Sadosky confirmed that the auditors were allowed to look at everything and spent a lot of time doing so. They also looked at records that did not have any problems or violations.

Mr. Leahy stated that in his experience audits are performed using a sampling technique and not every file is used. He also noted that even though the report may not be many pages, it may be highly accurate. Mr. Fontana stated that based on the cover page of the report, it was limited to the files identified by the Town.

Mr. Amato asked if Mr. Doheny's house was included on the list. Mr. Doheny stated he was not sure but did assure Mr. Amato that he and his wife met with Ms. Sadosky and reviewed the permits and completed the process and paid all fees due. Mr. Amato also asked for specific information as to the hours and dates worked by Kostin Ruffkess to perform the audit. He would like to FOI it, but was told he could not do that, that the Town would have to. Mr. Amato noted that the audit provided addresses and would like to know who the contractors are for each of them. Ms. Sadosky stated he could come to her office for that information. That some are similar and some are not.

Mr. Amato asked why when he went to the Police Department to get a copy of the police report

regarding a building official being threatened he was denied the report. Mr. Amato asked if there was a cover up. Mr. Freda stated that Mr. Amato's suggestion of a cover up was unfounded and the threat was checked out by the Police Department and it was unsubstantiated and uncorroborated and that according to Connecticut State Statutes – no information can be released in that type of investigation when there is no substantiated evidence that there was a threat.

Sherman Katz, Sherwood Drive stated that he does not like to reward people for not doing their job and he is wondering if a precedent has been set for future cases based on the settlement recently made. Attorney Ryan stated that it will not set a legal precedent. Each case is handled on the facts of that individual case.

Mr. Vallombroso stated that he was involved in the investigation during the time of Mr. Doheny's home project and does not believe Mr. Doheny was aware of any inaccuracy, and that Mr. Maiden set the fee at that time. He noted that if a corporate, state or town employee comes in to pay for a permit, and the inspector rips up the permit, and doesn't collect the fees he is breaking state laws and in essence, he is stealing. Ms. Sadosky stated that she interceded and contacted the contractor to come back to town hall and pay the permit fee Mr. Vallombroso was referring to. Mr. Vallombroso continued his questioning with regard to criminal activity. Mr. Ryan cautioned Mr. Vallombroso with regard to defamatory statements.

Jennie Caldwell, Kimberly Circle, asked for an explanation of the two cases and what were the differences. Attorney Ryan explained that every case is different. Mr. Burns worked for the town for a lengthy period of time, his position was eliminated and he sought counsel. With regard to Mr. Sorkin, he had been employed with the town for a little over two years, his position was eliminated and he chose to resolve the matter. The discussion continued.

At the conclusion of the discussion, Mr. Freda asked for additional questions, and seeing none and hearing none motioned to adjourn at 8:45 pm.